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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/607,107 | 06/25/2003 | Chunseng Guo | 871.0111.U1(US) | 3629 |
| 29683 | 7590 | 11/15/2006 | EXAMINER | |
| HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212 | | | BUI, BING Q | |
| | | | ART UNIT | PAPER NUMBER |

2614

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/607,107 | GUO ET AL. | |
| | Examiner | Art Unit | |
| | Bing Q. Bui | 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9,11-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9,11-21 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-9, 11-21 and 23-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-2, 4-5, 9, 11-14, 16-17, 21 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al (US Pat No. 5,329,578) in view of Bissell et al (US Pat No. 5,243,645) previously cited by Examiner, herein after referred as Brennan and Bissell.

Regarding claim 1, Brennan teaches a telephone system for connecting callers and users, comprising:

user-specifiable means for defining at least one filter for filtering incoming calls and taking user-definable responses on incoming calls that satisfy the requirements of said at least one filter (see Figs 3a-3e; and col. 13, lns 4-56 in combination with Tables 1-5), in which:

the user specifies a profile (see Figs 3a-3e; and col. 13, lns 4-56 in combination with Tables 1-5);

the user has the option of modifying parameters of the specified profile, including specifying at least one filter in the profile and specifying user-specifiable parameters thereof (see Figs 3a-3e; and col. 13, lns 4-56 in combination with Tables 1-5);

the system includes means for guiding the user through a setup sequence (see Figs 3a-3e; and col. 13, lns 4-56 in combination with Tables 1-5); and

the telephone system includes means for applying the user-specified profiles (see Figs 3a-3e; and col. 13, lns 4-56 in combination with Tables 1-5).

Brennan differs from claimed invention in which it does not teach a system for modifying the user-specified profile in response to a location of the user. However, Bissell teaches the recited feature that described in the Abstract; column 1, line 59 –

column 2, line 12; and column 5, lines 13 - 34 wherein the subscriber database (e.g., user-specified profile) is automatically updated (e.g., modified) with the subscriber's current location in response to location where a transaction is made by the subscriber. Therefore, integrating Bissell's teachings into communication system of Brennan would have been obvious for providing the call recipient subscriber more freedom to travel wherever he wishes without missing calls directed to him.

Regarding claim 2, Brennan teaches the telephone system for connecting callers and users according to claim 1, in which at least one profile depends on the status of the user, selected by the user from a list of at least two profiles, with a set of responses correlated with the status specified in the selected profile (see Figs 3a-3e; and col. 13, lns 4-56 in combination with Tables 1-5).

Regarding claim 4, Brennan teaches the telephone system for connecting callers and users according to at least one profile has at least two responses that are activated according to the time of day (see Figs 3a-3e; and col. 13, lns 4-56 in combination with Tables 1-5).

Regarding claim 5, Brennan teaches the telephone system for connecting callers and users according to claim 4, in which at least two responses that are activated according to the time of day depend on the user's normal working hours and the user's normal sleeping hours (see Figs 3a-3e; and col. 13, lns 4-56 in combination with Tables 1-5).

Regarding claim 9, Brennan teaches the telephone system for connecting callers and users according to claim 1, in which at least two filters apply a different response to

an incoming call of the same category (see Figs 3a-3e; and col. 13, lns 4-56 in combination with Tables 1-5).

Regarding claim 11, Brennan teaches the telephone system for connecting callers and users according to claim 1, in which calls that satisfy a specified criterion pass through the filter even if they do not satisfy another criterion of the filter (see Figs 3a-3e; and col. 13, lns 4-56 in combination with Tables 1-5).

Regarding claim 12, Brennan teaches the telephone system for connecting callers and users according to claim 1, in which the user specifies a set of at least one response to at least one filter (see Figs 3a-3e; and col. 13, lns 4-56 in combination with Tables 1-5).

As to claims 13-14, 16-17, 21 and 23-28, they are rejected for the same reasons set forth to rejecting claims 1-2, 4-5 and 9-12 above.

5. Claims 3, 6-8, 15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan '578 in view of Bissell '645, and further in view of Shaffer et al (US Pat No. 6,600,817), herein after referred as Shaffer.

The integrated system of Brennan and Bissell fails to teach the limitations of claims 3, 6-8, 15 and 18-20. However, Shaffer teaches the recited limitations substantially as claimed, a method and system that provide time dependent screening against a target user profile of communication connections to a target communication terminal when a call is initiated within the same time zone or in a different time zone as the target communication terminal, so that the incoming call will not automatically be

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connected to the target communication terminal (see col. 1, Ins 15-29 and col. 4, In 24-col. 3, In 54). Therefore, integrating Shaffer's teachings into communication integrated system of Brennan and Bissell would have been obvious for preventing a call from a caller who may unknowingly place the call to a target user at an odd or undesirable time with respect to the target user.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (571) 272-7482. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 and for formal communications intended for entry (please label the response ☐EXPEDITED PROCEDURE☐) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

09 Nov. 2006



BING Q. BUI
PRIMARY EXAMINER